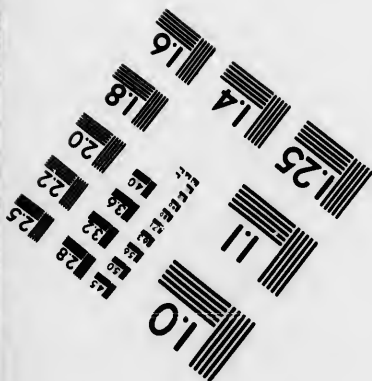
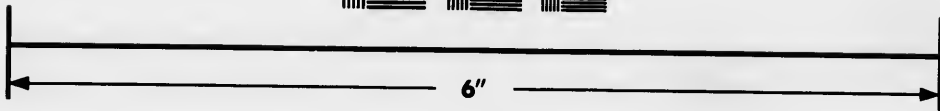
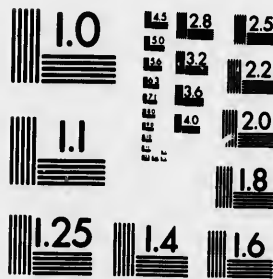


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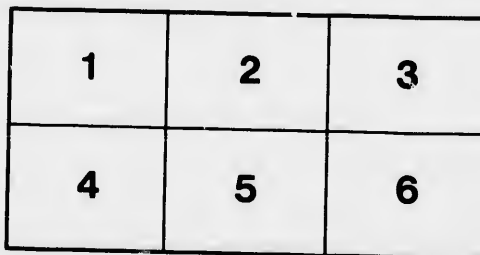
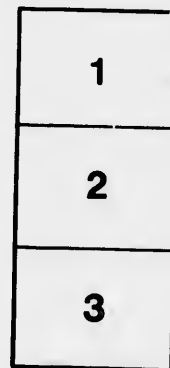
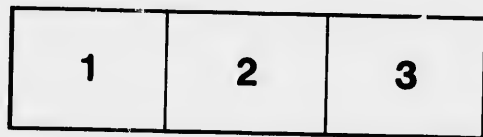
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Charles Fairbanks

THE
DRAFT
OF A
CHARTER,
FOR THE
INCORPORATION
OF
The TOWN of HALIFAX,
IN
The Province of Nova-Scotia.

HALIFAX :
Printed by JOHN HOWE & SON,
1814.

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INTRODUCTION.

THE following plan for regulating the municipal affairs of this Town, has been drawn up in the form of a Charter, as the clearest and best method to express the extent of the proposed improvements. The objects have been pointed out by a thorough investigation into the various modes of conducting the public business; which was entered into in consequence of a presentment made by the Grand Jury to the Court of Quarter Sessions in the December Term of 1812. The Court having appointed six different investigating committees of the Magistrates to meet the various objects contemplated by the Grand Jury, their several reports combined, clearly prove the necessity of some reform; but as it would now become an invidious as well as a useless task, to point out the *prevailing errors* of the present practice, which are but too evident to admit of a doubt, the gentlemen who have undertaken the task of sketching out the *means of improvement*, have left it to the Public to compare the one with the other.

It will be perceived by a perusal of the following sheets, that the Charter has but two leading objects;—to establish regularity in Business;—and to define and extend the powers of the Magistrates and Grand Jury (acting as a Common Council) to the same limits as (and not a step beyond) the powers granted to all Corporations, within the King's Dominions.

THE only novelty introduced, is that of preserving a gradual change of the ruling Members of the Corporation, without incurring the unpleasant duty of the electing system. This is done by the appointment of ten Magistrates to act as Trustees,—two of whom will go out and two others come in annually—and—the appointment of the Grand Jury of the ensuing year, (or if it is preferred that of the last year, or a draft from the whole list until it is gone through,) to act as a Common Council.

By these means the whole of the leading members of the community (likely to take an active part in the affairs of the Town) will, in turn, partake of the duties of a respectable office; and become intimate, and thereby, feel interested in its affairs.—The various articles of consumption and of commerce will be better inspected than they are at present;—the revenues will be regularly attended to, and every desirable improvement in possession of other similar communities in His Majesty's Dominions will, in time, no doubt, be adopted.

THE provisions of the Charter have been selected and drawn up with the utmost care to avoid objections, by an attentive reference to the London, Philadelphia, New-York and New-Brunswick Charters, and the East-Company's By-Laws;—and the whole is arranged and worded agreeably to the most approved forms, in order to obviate any difficulties on the part of Government, or from local partialities.

In debating the merits of the following pages—these three queries will naturally occur to and guide every reflecting mind :

- 1st: Whether the present management requires any improvement ?
- 2d. If so—is this an e. actual plan ?
- 3d. If not—what is better ?

* N. B. When the terms of the Charter are agreed on, and assented to by His Excellency, the Lieutenant-Governor, it is proposed to apply to His Excellency to grant it for a term of three or five years by way of trial ; during which period, such amendments may be made to it as experience shall point out to be necessary ;—after which, if it proves acceptable to the Inhabitants, application may be made to renew it for another term of a few years, for the purpose of improving it still further, as its deficiencies may appear : then the Charter may be made perpetual, if the Inhabitants approve of it. It will be necessary to have an Act of the General Assembly, to confirm the Charter when first granted, and on every renewal of it.

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GEORGE the THIRD, by the grace of GOD, of the United Kingdoms of Great-Britain and Ireland, KING, Defender of the Faith, &c.

To all to whom these present letters shall come, GREETING :

PREAMBLE—I.

WHEREAS, our Town of HALIFAX, in our Province of Nova-Scotia, in North-America, is become extensive and populous, and it would greatly contribute to the comfort, safety and good order of the same, if the jurisdiction thereof were limited to certain boundaries : if a more regulated police were established than now exists : if the revenues were vested in one certain trust : if other municipal regulations were adopted ; and those now existing were more accurately defined and orderly executed :—

BOUNDARIES.—No. II.

KNOW ye, therefore, that we, of our special grace, certain knowledge, and mere motion, for us, our heirs, and successors, do give, grant, order and appoint, that in all times to come, the compass, precincts, circuit, bounds, liberties and jurisdiction, of the said Town of Halifax, shall and may reach, extend, and stretch forth, to the full extent of the piece and parcel of land commonly known by the name of the Peninsula of Halifax, that is to say, That
the

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the same shall be separated from the main land of the rest of our said Province of Nova-Scotia, by a line drawn from and commencing at the shore of Bedford Bason, below the bridge at the main road near M^r Alpine's tavern, and thence running in a straight line to the bridge at the head of the North-West-Arm, thence along the shores of the said North-West-Arm, the Harbour of Halifax, the Narrows and Bedford Bason, to the place of beginning—so as to inclose the whole circuit of the said Peninsula, and extending and reaching to the water's mark, in, by, and through, all parts of the shores of the said Peninsula.— And we do by these Presents, give and grant the same unto the inhabitants of our said Town of Halifax, forever.

INCORPORATED.—III.

And we, for us, our heirs, and successors, do, will, ordain, constitute and appoint, that in all times to come, forever, the inhabitants within the said Peninsula, shall be, and they are hereby constituted into one Body corporate and politick, by the name of the *Trustees Magistrates and Grand Jury of the Town of Halifax*; by which name they shall have perpetual succession; and that they be, and forever shall be, hereafter capable, in Law, to plead and be impleaded, answer and be answered unto, defend and be defended, in all and any of our Courts and other places whatsoever, in all manner of actions, suits, complaints, demands, pleas, causes and matters, whatsoever, of what nature, kind or quality soever, in the same and in like manner and form as other people of the said Province, being persons able and in Law capable may plead and be impleaded, answer and be answered unto, defend and be defended; by any lawful ways and means whatsoever.

SEAL,

SEAL.—IV.

And the said Trustee Magistrates and Grand Jury of the town of Halifax, and their successors in office, shall and may for ever hereafter have one common seal, to serve for the sealing of all and singular their affairs and businesses, touching and concerning the said Corporation. And it shall and may be lawful for the said Trustee Magistrates and Grand Jury, and their successors in office, as they shall see cause, to break, alter, change, and new make, their said common seal, when and as often as to them it shall seem convenient.

TRUSTEES NAMED.—V.

And we do hereby for us, and on behalf of our heirs and successors, assign, name, ordain, and constitute

being Magistrates of our said County of Halifax, in our said Province of Nova-Scotia, and resident within the Peninsula aforesaid, to be the Trustee Magistrates of our said Incorporated Town of Halifax; and that the said

shall remain and continue in office, until other fit persons shall be appointed, as is herein after directed, in their room.

GRAND JURORS NAMED.—VI.

And we do hereby name, ordain, and constitute,

being Grand Jurors of our said County of Halifax for the present

SEAL,

present year, (resident within the Town or Peninsula of Halifax) to be the Grand Jurors hereby meant and intended by us, as the incorporated Grand Jurors aforesaid, and to continue in office until other fit persons shall be appointed, as is herein after directed, and appointed in their room.

COMMON COUNCIL.—VII.

And further we do ordain and constitute, that those persons who shall annually be sworn to serve as Grand Jurors for the existing year, being resident in the said Town or Peninsula of Halifax, shall be the Common Council for the said town of Halifax. They shall likewise choose their own Foreman for the purposes herein set forth; and they shall have, possess, and hold all the rights, powers and privileges granted or intended to be granted to the said Grand Jurors, acting as Common Council-Men by these presents.

OTHER OFFICERS.—VIII:

And further, we do ordain and constitute
 to be the Chairman, and to
 be the Deputy Chairman of the said Trustee Magistrates;
 and that before entering into the duties of their offices,
 they shall take a solemn oath before our Governor, Lieuten-
 tenant-Governor, or Commander in Chief of our said
 Province, well and faithfully to execute the offices respec-
 tively of Chairman and Deputy Chairman of the Trustee
 Magistrates of the said Town of Halifax. And we do
 appoint and ordain to be
 the Recorder of our said Town of Halifax;
 to be the Chamberlain thereof;
 to be the Town Clerk thereof; and
 to be the Sheriff thereof.—And
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the said Trustee Magistrates, Grand Jurors, acting as
 Common Council-Men, Recorder, Chamberlain, Town
 Clerk and Sheriff, shall severally before entering on their
 respective offices, take a solemn oath before the said Chair-
 man or Deputy Chairman, well and faithfully to execute
 their respective offices of Trustee Magistrates, Grand Ju-
 rors, Recorder, Chamberlain, Town Clerk and Sheriff of
 the said Town of Halifax; and thereupon they shall se-
 verally be qualified to serve their respective offices until
 the last Tuesday of January next.

THE TRUST PERPETUATED.—IX.

And we do for us, our heirs and successors, appoint and
 ordain, that on the last Tuesday of the month of January
 next ensuing the date hereof, the said Trustee Magistrates
 shall assemble together with the Clerk of the Peace for the
 said County of Halifax; and the names of the said Ten
 Magistrates, shall be written each separately on a different
 piece of paper, which papers shall be of equal size, and
 shall be rolled up all alike, and be put into a box; and the
 Clerk of the Peace shall draw out all the said papers indif-
 ferently one after the other, and shall set down in a book
 to be provided for that purpose, the name of each Trustee,
 one under the other, as they shall be severally drawn out
 of the said box; and the same shall commence and form a
 perpetual rotation list, whereby the said Magistrates shall
 successively go out of office as herein after mentioned, that
 is to say, on the last Tuesday of January in the then suc-
 ceeding year, the two Trustee Magistrates, whose names
 shall have been first drawn as aforesaid, shall go out of
 office, and their names shall be crossed out of the list in the
 said book; and two other of the Magistrates in our Com-
 mission

mission of the Peace for the County of Halifax, residing within the said Peninsula of Halifax, and willing to accept the said office of Trustee Magistrates, shall replace those who go out of office, and their names shall be placed at the bottom of the said list.—And in like manner annually on the last Tuesday of January, the two Trustee Magistrates whose names shall stand at the head of the said list, shall go out of office, and their names be crossed out of the said list, and two other Magistrates, qualified as aforesaid, shall enter upon the said Trust, and their names be placed at the foot of the list; and in case of any vacancy by death, removal or otherwise, before the end of any year, such vacancy shall be filled up in like manner out of the Magistrates aforesaid; and the name of the person causing the vacancy being erased from the said list, that of the Magistrate supplying such vacancy shall be inserted at the end of the list.—And in supplying the annual or occasional vacancy aforesaid, the Magistrates in our Commission of the Peace for the County of Halifax, qualified as aforesaid, and not having served in the said Trust, shall be called on in the order they stand in the said Commission, until all who are willing shall have served in the said trust, then those who have been longest out of office, shall be severally called on first to fill up annual or occasional vacancies. And we do further ordain and appoint, that on the said last Tuesday of January next, and on every last Tuesday of January thereafter, and also in case of occasional vacancies, the Trustee Magistrates shall elect and choose one of their own number to be Chairman, and another to be Deputy Chairman, and present them to our Governor, Lieutenant Governor, or Commander in Chief, to be sworn into office as aforesaid.—And in like manner on the said last

Tuesday

of Halifax, residing
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 shall replace those
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 Trustee Magistrates
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 Tuesday

Tuesday of January annually, and on all occasions of va-
 cancy, the Trustee Magistrates for the time being shall
 nominate and appoint the Town Clerk, Recorder and
 Chamberlain. *Provided nevertheless*, that the said three of-
 fices shall never be filled by the same person; nor the of-
 fice of Recorder be filled by any person who is not a Bar-
 rister of our Supreme Court for our said Province, and
 actually resident in our said Town of Halifax; and *pro-
 vided* that the said Chamberlain shall before entering upon
 the said office give good and sufficient security to, and to
 the satisfaction of, the said Trustee Magistrates, for the
 faithful discharge of the trust reposed in him. And we
 do appoint and ordain, that the Sheriff of our said County
 of Halifax for the time being, shall be the Sheriff of our said
 Town of Halifax forever.

A QUORUM—HOW MANY.—X

And we do hereby further order and ordain, that all
 questions, which shall arise touching the subject matter of
 the trust, before the said Trustee Magistrates in Council,
 or before the said Grand Jurors in Common Council, as-
 sembled and appointed by these presents, shall be deter-
 mined by the votes of a majority of Members pre-
 sent, the Chairman or Deputy Chairman, or Foreman
 respectively giving the casting vote in each of the several
 Assemblies; and all votes so given, and which may by
 these presents or otherwise by Law be binding, shall be of
 full force and effect; provided, however, that no vote
 shall be valid or of any effect in the Council of Trustee
 Magistrates, unless a quorum of seven Members of the
 Trustee Magistrates be actually present at the time of giv-
 ing their votes; or shall be valid or of any effect in the
 Common

Common Council of Grand Jurors, unless fifteen of the said Grand Jurors be actually present; and unless the proceedings of either Council be entered in a book to be kept for that sole purpose.

RECEIPT OF MONIES.—XI.

And we, for us, our heirs and successors, do ordain, order, direct and appoint, that the said ten Trustee Magistrates, acting in the behalf of our said Town of Halifax, shall and may have the sole power to receive all monies, which shall or may be due or owing to the said Town of Halifax, or from or by any person or persons whomsoever, or from, by, or through, or in consequence of, any lands, tenements, waters, water-courses, docks, slips, rents, or other property whatsoever; or from, by, through or in consequence of any rates, licences, ferries, markets, wharves, fines, taxes, dues or duties, or other claims or profits whatsoever, or which-way-soever arising to the said Town of Halifax; and the same to lay out, pay, expend and dispose of agreeably to law, in cases where the same is or are thereby ordered and directed; and in cases where the same is not so ordered and directed by Law, then to be placed into one Common Fund, to be by them the said Trustee Magistrates laid out and paid, for the purposes for which they the said Trustee Magistrates shall appoint and direct.

AUDIT OF ACCOUNTS.—XII.

And we for us, our heirs and successors, order and direct, that the said Grand Jurors shall at the said meetings to be held in the month of January in every year, audit the accounts of all monies received and paid by the Chamberlain and other Accountants under the trust aforesaid, during

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ing the preceding year; who are hereby ordered and di-
 rected to submit a fair debtor and creditor account of the
 same, together with the proper vouchers to the consider-
 ation of the said Grand Jurors on the said last Tuesday in
 January, who having examined the same shall make a
 report thereof to the Trustee Magistrates; in which report
 they shall acquit the said accountants or require further
 proofs and elucidations of their said accounts and doings;
 and the said acquittal shall be to all intents and purposes a
 complete quietus and discharge of all accounts so by the
 said Grand Jury acquitted; and in testimony thereof the
 foreman of the said Grand Jury shall sign the same in
 Common Council, with the consent of a majority of
 members of the same, then present.

TRUSTEES TO HOLD LANDS, &c — XIII.

And further we for us, our heirs, and successors, give,
 grant, ratify and confirm to the said Trustee Magistrates,
 of our town of Halifax, and to their successors in office,
 forever, full, special and free liberty, license, power and
 authority, to take, receive, have, hold and enjoy, to
 them and their successors forever in fee simple, any mes-
 suages, lands, tenements, hereditaments, rents and other
 possessions, and real estate, within and without the said
 town and peninsula of Halifax, as well of and from us,
 our heirs, and successors, as of and from all and every
 other person and persons whomsoever; so as the messuages,
 lands, tenements, hereditaments, rents and other posses-
 sions, and real estate, which the said Trustee Magistrates
 shall and may have in their possession and seisin, at any one
 time, exceed not in the whole the clear yearly rent or value of
pounds per annum, lawful money of our said Province,
 beyond

beyond and above all charges and reprises, without any hindrance of us, our heirs or successors, or the Justices, Escheators, Sheriffs, Coroners, Bailiffs, or others, the Ministers of us, our heirs or successors; and this without any other letters patent, liberty, license or power from us, our heirs, or successors, the Statutes of Mortmain or any other Act, Law or Statute, or any other cause, thing or matter whatsoever, to the contrary thereof in any wise notwithstanding; and the same messuages, lands, tenements, hereditaments, rents and other possessions, or any part thereof, to demise, grant, lease, and let over, assign, and dispose at their own will and pleasure; and to make, seal and accomplish, any deed or deeds, lease or leases, evidences or writings, for or concerning the same or any part thereof.

BYE LAWS.—XIV.

And we do hereby for us, our heirs and successors, grant, appoint and ordain, that the said Trustee Magistrates in Council assembled in one Chamber, and the said Grand Jurors in one other Chamber, once in every year, that is to say, beginning on the last Tuesday in January, and thence not exceeding two successive days in any one Session, shall have full power and authority to make, ordain, constitute and establish, such and so many laws, ordinances, regulations and constitutions, (provided the same shall not be repugnant to the Laws and Constitution of our United Kingdom of Great Britain and Ireland, or of this our Province of Nova Scotia) as shall be necessary or convenient for the good government and welfare of our said Town of Halifax; and the same to enforce, put in use and execution, by the proper Officers; and at their pleasure the

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COMMON COUNCIL—HOW ASSEMBLED—XV.

And we do further grant and ordain, that it shall and
 may be lawful for the Chairman or Deputy Chairman of
 the said Trust for the time being, by and with the consent
 of six or more of the Trustee Magistrates, to summon a
 special Common Council as often there shall be occasion;
 for the purpose of deliberating on and recommending
 special matters; which shall be noticed in the notices if
 issued accordingly; *provided*, that no assembly or meeting
 shall be deemed a special Common Council, unless the
 Chairman or the Deputy Chairman, and at least six other
 Trustee Magistrates, and thirteen of the Grand Jurors be
 present.

COURT OF SESSIONS.—XVI.

And we do hereby for us, our heirs, and successors, ap-
 point and ordain, that the said Chairman and Trustee
 Magistrates, together with the Recorder of our said
 Town, (the Chairman, or in his absence, the senior Ma-
 gistrate then present presiding) shall four times in every
 year, that is to say, on the second Tuesdays of February,
 May, August, and November, and during four days then
 immediately

immediately succeeding, hold a Court of Sessions, to be called the *Trustee Court*; and shall have cognizance thereof of all matters arising within the said town and peninsula of Halifax, which can or may be decided or determined by law at the Quarter Sessions of the Peace, without the intervention of a Jury; and shall superintend and enforce within the said town and peninsula, the execution of all and singular the laws of this our Province, as well touching and concerning the Trade, Commerce and Manufactures of the Province, as also touching and concerning persons of every description, appointed for regulating measuring, culling, surveying and inspecting all articles relating thereto; and all Town Officers, Truckmen, Butchers, Chimney Sweepers, Servants, Labourers, and others within the jurisdiction of the Justices in Sessions; and all matters whatever in any wise relating to the Poor and Poor Rates, Tavernkeepers, Foresters, Markets, Pounds, Repair of Streets; and generally all matters touching the order, regulation and police of our said town and peninsula of Halifax, and within the same.—And if in any matter which shall come to be heard before the said Trustee Magistrates in such Court or Sessions, any party thereto shall desire and request that the same may be submitted to a Jury, and the case shall be of a nature to admit of it, the Trustee Magistrates shall adjourn such case over to the next Quarter Sessions of the Peace to be held for the County of Halifax, and notify such party thereof, and the said case shall be then tried and determined accordingly; and the said Court shall have power to enquire of, hear, try and determine, all offences which shall be committed within the said Town and Peninsula against any of the laws, ordinances, regulations, or constitutions,

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constitutions, that shall be made, ordained or established,
 to pursuance of this our Charter, and to punish the offen-
 der and offenders. as, by the said laws, ordinances, regu-
 lations or constitutions, shall be prescribed or directed;
 and also to impose fines on Jurymen and others according
 to Law, and to levy the same, and to award process, take
 recognizances for keeping the peace, for being of good
 behaviour, and for appearances or otherwise, or commit to
 prison as occasion shall lawfully require, without being
 accountable to us, our heirs and successors, for any fines
 or ameracements to be imposed for the said offences, or
 any of them, except such as are or shall be by Law made
 payable into the Treasury of this our Province for offences
 against our Crown and Dignity; and generally to do all
 such matters and things within our said Town of Halifax,
 as any Court of General Quarter Sessions of the Peace,
 oyer and Terminer and Goal Delivery of and for any
 County within this our Province, may or can do within
 any such County.

**LAWS WHICH CONCERN THE POOR AND THE
 HIGHWAYS.—XVII.**

And further we for us, our heirs and successors, do
 hereby grant, order, and direct, that from and after the
 date hereof, the said Trustee Magistrates shall have full
 power and authority of themselves, to execute, or by any
 delegated trust from them to any other person or number
 of other persons, to cause to be executed the laws of our
 said Province now in force for directing the managing of
 and the concerns of the Poor of the said Town—And also
 the laws of our said Province now in force, which have
 been enacted from time to time for the purpose of making,
 mending, repairing and improving the Highways and
 Streets

Streets of the said town and peninsula of Halifax, in as full and ample manner to all intents and purposes, as the present Commissioners of the Poor, and the present Commissioners of Highways and Streets of Halifax by law now have

ROTATION LAW.—XVIII.

And we do hereby further order and direct, that the Magistrates within our Commission of the Peace for the County of Halifax, resident in our said Town of Halifax, and not actually Members of the Council of Trustee Magistrates for our said Town, shall and may, with or without the aid of the said Trustee Magistrates, as the said Magistrates, in and out of the said trust, from time to time, by a majority of them assembled in Special Session may agree, put in execution and administer the Act of our General Assembly, passed in the thirty-second year of our reign, usually termed the *Rotation Law*, and all other laws in amendment thereof, without any aid, cooperation, assistance or rotation of or from the other Magistrates within our commission of the Peace, acting for the time being, in the office of Trustee Magistrates, and likewise that the said Magistrates, not actually in the said Trust, may be on the Grand Jury for all the purposes of this our Charter.

CHARTER TO BE FAVORABLY CONSTRUED.—XIX.

And we do for us, our heirs, and successors, order and direct that this our Charter shall in all Courts of Law and Equity, and elsewhere, be construed and taken most favorably for the Inhabitants of our said town of Halifax;— and that the same shall be in force during _____ years from the date heretof, and that it be then renewed, alter

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VIII.

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d, amended, or rescinded at our pleasure, or the will and
 pleasures of our heirs and successors.

IF RESCINDED, THE LANDS, &c. TO BE RE-IN-
 VESTED.—XX.

And lastly, in case these presents should at any time be-
 come rescinded and revoked, and the trust hereby vested
 and determine, the said estate, estates, rights, privi-
 ges, and interests shall thence forward be veiled in such
 person or persons, willing to accept the same as shall be
 named and appointed by us, our Governor, Lieutenant-
 Governor, or Commander in Chief of our said Province
 for the time being, for the use, benefit and interest of the
 inhabitants of our said Town of Halifax.

*IT is proposed that a General Meeting should take place on
 Tuesday the 8th of February next, for the purpose of considering
 the above Plan, and to determine on the proper mode of pro-
 ceeding, of which Meeting, timely notice will be given in the
 newspapers.*

Halifax, January, 1814.

